

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOE, a minor by her mother	:	CIVIL ACTION NO. 1:19-CV-1027
and natural guardian, JAKLYN	:	
BROWN, and JAKLYN BROWN,	:	(Chief Judge Conner)
individually,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
HARRISBURG SCHOOL DISTRICT,	:	
HARRISBURG SCHOOL DISTRICT	:	
d/b/a ROWLAND ACADEMY,	:	
J. PATRICK NEWTON, in his	:	
individual and official capacity,	:	
SYBIL KNIGHT-BURNEY, in her	:	
individual and official capacity, M.H.,	:	
MS. KRAUTER, in her individual and	:	
official capacity, and QUINTON COBB,	:	
in his individual and official capacity,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of September, 2019, upon consideration of defendants’ partial motion (Doc. 21) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) filed August 16, 2019, and further upon consideration of plaintiffs’ amended complaint (Doc. 23) filed September 3, 2019, and the court observing that an amended pleading, unless it “specifically refers to or adopts the earlier pleading,” supersedes the original as the operative pleading for the lawsuit, W. Run Student Hous. Assocs., LLC v. Huntington Nat’l Bank, 712 F.3d 165, 171 (3d Cir. 2013) (quoting New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996)); see also 6 CHARLES ALAN WRIGHT AND ARTHUR MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d

ed. 2019), and the court thus finding that the amended complaint renders the original complaint a legal nullity, it is hereby ORDERED that:

1. Defendants' motion (Doc. 21) to dismiss the complaint (Doc. 1) is DENIED as moot and without prejudice.
2. Defendants shall respond to the amended complaint (Doc. 23) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania